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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TYRONE MORGAN,

Plaintiff,

No. 2: 09-cv-2155 WBS KJN P

vs.

JOHN W. HAVILAND, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding without counsel, with an action brought pursuant to Title II of the Americans with Disabilities Act (“ADA”). Pending before the court is plaintiff’s motion for summary judgment filed February 4, 2011. For the following reasons, this motion is vacated without prejudice.


Pursuant to the January 21, 2011 scheduling order, the pretrial motion cut-off date is August 5, 2011. The discovery cut-off date was May 13, 2011. At the present time, defendants’ motion to compel filed May 12, 2011 is pending. In addition, on May 17, 2011, plaintiff was granted twenty-one days to serve defendants with additional discovery requests.

On May 12, 2011, the undersigned granted defendants until June 23, 2011 to file their opposition to plaintiff’s summary judgment motion. However, because it is unlikely that the pending discovery matters will be resolved before that date, plaintiff’s motion for summary

1 judgment is vacated without prejudice on grounds that it is premature. Plaintiff may re-file his
2 summary judgment motion when all outstanding discovery matters are concluded.

3 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for summary
4 judgment (Dkt. No. 27) is vacated without prejudice.

5 DATED: June 7, 2011

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8 KENDALL J. NEWMAN
9 UNITED STATES MAGISTRATE JUDGE

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